

REMARKS

A. Status of the Application

- Claims 1-29 are pending in the application, of which claims 1, 12, and 23 are independent claims.
- Claims 1, 12, and 18 are amended. All amendments are supported by the specification and claims as originally filed. No new matter has been added. Applicants have amended the claims to recite particular embodiments that Applicants, in their business judgment, have determined to be commercially desirable at this time. The claim amendments have not been submitted for any reasons relating to patentability.

B. Restriction Requirement

The Office Action Restriction Requirement dated December 15, 2008 ("Restriction Requirement") restricts the claims between two groups:

- I. Claims 1-22, drawn to a system for trading, classified in class 705, subclass 37; and
- II. Claims 23-29, drawn to a configurable keyboard, classified in class 345, subclass 168.

The Examiner asserts that the two groups have a relationship of combination and subcombination because the trading system of invention I could be implemented using a traditional computer keyboard by using old and well known methods of assigning specific functionality to specific keys via key re-mapping, hotkey, and scripting software. The subcombination has separate utility such as allowing users to customize keyboard key

functionality in order to perform multiple actions with simpler user input. Restriction Requirement, p. 2.

Applicants provisionally elect for prosecution **Group I**, corresponding to claims 1-22. However, Applicants respectfully traverse the Restriction Requirement. Under MPEP § 803:

There are two criteria for a proper requirement for restriction between patentably distinct inventions:

- (A) The inventions must be independent . . . or distinct as claimed . . . ; and
- (B) There would be a serious burden on the examiner if restriction is not required [citations omitted].

The Examiner has already reviewed the claims and determined that they should be examined together in the same application. On page 2 of the prior Office Action dated February 25, 2008, the Examiner rejected all of independent claims 1, 12, and 23 and stated that the “[i]ndependent claims are examined together, since they are not patentabl[y] distinct.” This statement directly contradicts the present Restriction Requirement. Furthermore, the Examiner has already searched the prior art for all of the claims and issued a substantive Office Action dated February 25, 2008, which included prior art rejections for all of claims 1-29. Applicants respectfully submit that substantive examination of all claims is not a search burden or an examination burden because the Examiner has already searched and examined all the claims in this application. Applicants have not added any new recitations that might change the Examiner’s search burden.

Because the Examiner has already searched and examined all claims in this application, the MPEP requires that the Examiner continue to examine these claims, even if the application contains claims to independent or distinct inventions. MPEP § 803 states that “[i]f the search and examination of all the claims in an application can be made without serious burden, the examiner must examine them on the merits, even though they include claims to independent or distinct inventions.”

C. Conclusion

In view of the foregoing amendments and remarks, Applicants respectfully submit that the application is in condition for allowance, and such action is respectfully requested at the Examiner's earliest convenience. It is not believed that extensions of time or fees for net addition of claims are required beyond those that may otherwise be provided for in documents accompanying this paper. However, if additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required therefor (including fees for net addition of claims) are hereby authorized to be charged to Deposit Account No. 50-3938.

Applicants' undersigned attorney can be reached at the address shown below. All telephone calls should be directed to the undersigned at (212) 294-8055.

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Respectfully submitted,

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